

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

ARTHUR JAMES WAGNER, )

Plaintiff, )

vs. )

PACIFIC MARITIME ASSOCIATION, a )

California nonprofit corporation; )

INTERNATIONAL LONGSHORE )

WORKERS UNION (ILWU), ILWU, )

LOCAL 92; and the WALKING BOSSES )

JOINT LABOR RELATIONS )

COMMITTEE OF PORTLAND, )

OREGON, )

Defendants. )

Civil Case No. 05-1729-PK

ORDER

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KING, Judge:

The Honorable Paul Papak, United States Magistrate Judge, filed Findings and Recommendation on July 17, 2007. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). Defendant Pacific Maritime Association (“PMA”) has filed objections, and plaintiff has filed a response. In addition, PMA has filed a Motion to Reconsider Magistrate’s Ruling Denying Motion to Strike Katzen Declaration (#79).


When either party objects to any portion of the Magistrate’s Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate’s report. See 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Having given a *de novo* review of the issues raised in the objections to the Findings and Recommendation, I find no error.

Accordingly, I ADOPT Judge Papak's Findings and Recommendation (#76) and I GRANT in part and DENY in part PMA's Motion for Summary Judgment. Specifically, PMA is granted judgment on all claims other than plaintiff's Second and Fourth Claims for Relief based on disparate treatment arising out of the 2003 walking boss selection process.

As for PMA's Motion for Reconsideration, the district court "may reconsider any pretrial matter . . . where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A). Neither of these grounds exist here. Therefore, I deny PMA's Motion for Reconsideration (#79).

Dated this 21<sup>ST</sup> day of August, 2007.

  
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Garr M. King  
United States District Judge